

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Chapter 7

Richard Martin Lewiston,

Case No. 12-58599

Debtor.

Hon. Phillip J. Shefferly

Apartments at Cambridge Company, L.L.C.,
Mickey Shapiro Trust, Asa Shapiro
Declaration of Trust, ILA I, L.L.C.,
ILA II, L.L.C., APTCAM, L.L.C., and
CAMAPT, L.L.C.,

Adversary Proceeding
No. 12-06003-PJS

Plaintiffs,

v.

Richard Martin Lewiston,

Defendant.

**ORDER (1) DENYING EX PARTE MOTION FOR EXPEDITED
HEARING; AND (2) SCHEDULING STATUS CONFERENCE
REGARDING JOINT MOTION OF PLAINTIFFS AND CHAPTER 7
TRUSTEE FOR CONSOLIDATION OF ADVERSARY PROCEEDINGS**

On July 12, 2013, the Plaintiffs and the Chapter 7 Trustee filed a joint motion (“Motion to Consolidate”) (ECF No. 78) seeking to consolidate this adversary proceeding and several other related adversary proceedings (“Adversary Proceedings”) for purposes of discovery and trial. The Plaintiffs and the Chapter 7 Trustee filed an identical motion in each of the other Adversary Proceedings. In addition, on the same day, the Plaintiffs and the Chapter 7 Trustee

filed an ex parte motion (“Ex Parte Motion”) (ECF No. 80) requesting that the time to respond to the Motion to Consolidate be shortened to July 18, 2013, with an expedited hearing to be held on July 19, 2013. The Motion to Consolidate states that the counsel for the Defendant does not consent to the relief requested in the Motion to Consolidate. However, the Ex Parte Motion is silent as to whether counsel for the Plaintiffs and the Chapter 7 Trustee sought concurrence of counsel for the Defendant to have the time to respond to the Motion to Consolidate shortened and the Motion to Consolidate heard on the expedited basis as described in the Ex Parte Motion.

The Court is not persuaded that there is good cause to shorten the time to respond to the Motion to Consolidate or set it for an expedited hearing. The Adversary Proceedings are not scheduled for trial to take place until 2014, and the Court is not persuaded that there is a sufficient emergency to shorten the Defendant’s time to respond to the Motion to Consolidate and have it heard on such an expedited basis. On the other hand, the Court does note that counsel for the Plaintiffs, the Chapter 7 Trustee and the Defendant will all be in the Court on July 19, 2013 on a discovery matter in this Adversary Proceeding. Therefore, although the Court is not persuaded that there is a sufficient cause to grant the Ex Parte Motion, the Court concludes that it is appropriate for the Court to conduct a scheduling conference on July 19, 2013, while the parties are already before the Court, to discuss a schedule for the Court to hear the Motion to Consolidate. Accordingly,

IT IS HEREBY ORDERED that the Ex Parte Motion is denied.

IT IS FURTHER ORDERED that the Court will conduct a scheduling conference on **July 19, 2013 at 10:00 a.m.**, before the Honorable Phillip J. Shefferly, in Courtroom 1975,

211 West Fort Street, Detroit, Michigan 48226, to discuss the scheduling of further proceedings with respect to the Motion to Consolidate. Although the Court is entering this order in only one of the Adversary Proceedings, the Court intends to discuss with the parties at the scheduling conference the scheduling of proceedings with respect to the Motion to Consolidate and with respect to the identical motions filed in each of the Adversary Proceedings.

Signed on July 17, 2013

/s/ Phillip J. Shefferly
Phillip J. Shefferly
United States Bankruptcy Judge